

FILED

2014 APR 18 PM 2:27

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

1 **YU | MOHANDESI LLP**

2 **B. Ben Mohandesi** (214921)  
213.377.5505 | bmohandesi@yumollp.com

3 **Jordan S. Yu** (227341)  
213.377.5502 | jyu@yumollp.com

4 633 West Fifth Street, Suite 2800  
Los Angeles, CA 90071  
5 213.377.5501 Facsimile

6 Attorneys for Defendant  
LVNV Funding, LLC

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 EASTERN DIVISION

11  
12 **PAUL STEMPLER,**

13 Plaintiff,

14 vs.

15 **LVNV FUNDING, LLC,**

16 Defendant.

**ED CV 14 - 00772 VAP**

Case No.:

[Removal from Superior Court of  
California for the County of San  
Bernardino, Case No. CIVDS 1402484]

**DEFENDANT LVNV FUNDING,  
LLC'S NOTICE OF REMOVAL  
PURSUANT TO 28 U.S.C. §§ 1331,  
1441(c), and 1446**

**[FEDERAL QUESTION]**

Compl. Filed: February 24, 2014

MRWx

YU | MOHANDESI LLP  
633 West Fifth Street, Suite 2800  
Los Angeles, CA 90071

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**  
 2 **THE CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that Defendant LVNV Funding, LLC  
 4 (“Defendant”) hereby removes the action described below from the Superior Court of  
 5 California for the County of San Bernardino, to the United States District Court for  
 6 the Central District of California, Eastern Division, pursuant to Sections 1331,  
 7 1441(c), and 1446 of Title 28 of the United States Code (“U.S.C.”). As set forth more  
 8 fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441  
 9 because Defendant has satisfied the procedural requirements for removal and this  
 10 Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. In  
 11 support of this Notice of Removal, Defendant states as follows:

12 **I. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT**  
 13 **TO 28 U.S.C. SECTIONS 1331 AND 1441**

14 On February 24, 2014, plaintiff Paul Stemple (“Plaintiff”) filed a Complaint in  
 15 the Superior Court of California for the County of San Bernardino (“Superior Court”),  
 16 entitled *Paul Stemple v. LVNV Funding, LLC*, Case No. CIVDS 1402484. In the  
 17 Complaint, Plaintiff alleges that Defendant violated the Fair Credit Reporting Act, 15  
 18 U.S.C. § 1681 *et seq.* (“FCRA”) and the Rosenthal Fair Debt Collection Practices Act,  
 19 Cal. Civ. Code §1788, *et seq.* (“RFDCPA”) by, among other things, reporting  
 20 inaccurate information to credit reporting bureaus. *See* Complaint, p. 5. The  
 21 Complaint and Summons are attached hereto as **Exhibit A**, as required by 28 U.S.C. §  
 22 1446(a).

23 Because this action arises under federal law (the FCRA), which can be  
 24 ascertained from the face of Plaintiff’s Complaint, this Court has original jurisdiction  
 25 pursuant to 28 U.S.C. § 1331. Furthermore, this Court has supplemental jurisdiction  
 26 over Plaintiff’s state law claim (the RFDCPA), which arises out of the “same case or  
 27 controversy” pursuant to 28 U.S.C. § 1367(a). Accordingly, this action may be  
 28 removed to this Court pursuant to 28 U.S.C. § 1441.

**II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

On or about February 24, 2014, Plaintiff filed this action in the Superior Court of California for the County of San Bernardino. Defendant was served with the Complaint on March 19, 2014. This Notice of Removal is timely in that it was filed within 30 days from the time Defendant had notice that the action was removable, and less than a year after the commencement of the state court action. *See* 28 U.S.C. § 1446(b). No other defendants are named in the action.

The Superior Court of California for the County of San Bernardino is located within the United States District Court for the Central District of California, Eastern Division. *See* 28 U.S.C. § 84(c)(2). Thus, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

In compliance with 28 U.S.C. § 1446(d), Defendant will serve on Plaintiff and file with the Clerk of the Superior Court a “Notice to the Clerk of the Superior Court and To Adverse Party of Filing of Notice of Removal of Civil Action to Federal Court,” attaching a copy of this Notice of Removal. No previous application has been made for the relief requested herein.

WHEREFORE, Defendant respectfully removes this action from the Superior Court of California for the County of Los Angeles to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

DATED: April 18, 2014

YU | MOHANDESI LLP

By /s/ Ben Mohandesi  
 B. Ben Mohandesi  
 Jordan S. Yu  
 Attorneys for Defendant  
 LVNV Funding, LLC

**EXHIBIT A**

YU | MOHANDESI LLP  
633 West Fifth Street, Suite 2800  
Los Angeles, CA 90071

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**EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

LVNV FUNDING, LLC

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

PAUL STEMPLER

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

FEB 24 2014

BY Jessica Francis  
JESSICA FRANCIS, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Superior Court of San Bernardino  
Civil Division 303 W. Third St.  
San Bernardino, CA 92415

CASE NUMBER:  
(Número del Caso):

CIVDS 1402484

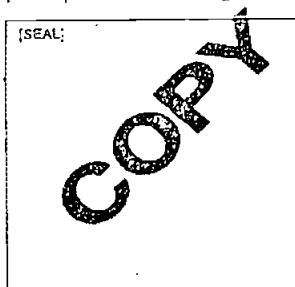
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211, 877-206-4741

DATE: FEB 24 2014  
(Fecha)

Clerk, by Jessica Francis  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): LVNV Funding LLC

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

4. ☒ other (specify): LLC
4. ☒ by personal delivery on (date): 3/19/14

Page 1 of 1

Date Served: 3/19/14  
Time Served: 2:22  
BY: [Signature]

TRIAL SETTING CONFERENCE

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

Todd M. Friedman (216752)  
Nicholas J. Bontrager (252114)  
Suren N. Weerasuriya (278512)  
Law Offices of Todd M. Friedman, P.C.  
369 S. Doheny Dr. #415  
Beverly Hills, CA 90211  
Phone: 877-206-4741  
Fax: 866-633-0228  
tfriedman@attorneysforconsumers.com  
nbontrager@attorneysforconsumers.com  
sweerasuriya@attorneysforconsumers.com  
Attorney for Plaintiff

Hearing Date SEP 08 2014

FEB 24 2014

at 8<sup>30</sup> Dept S37 BY J

JESSICA FRANCIS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO  
LIMITED JURISDICTION

PAUL STEMPLE,

Plaintiff,

-vs-

LVNV FUNDING, LLC,

Defendant.

CASE NO.:

CIVDS 1402484

COMPLAINT

1. Violation of Rosenthal Fair Debt  
Collection Practices Act

2. Violation of Fair Credit Reporting  
Act

(Amount Not to Exceed \$10,000)

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices and for Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. §1681 (hereinafter "FCRA"), which regulates the collection, dissemination, and use of consumer information, including consumer credit information.

## II. PARTIES

2. Plaintiff, Paul Stemple ("Plaintiff"), is a natural person residing in San Bernardino County in the state of California, and is a "debtor" as defined by Cal Civ Code §1788.2(h). Plaintiff is a "consumer" as defined by 15 U.S.C. §1681a.

3. At all relevant times herein, Defendant, LVNV Funding, LLC ("Defendant") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due them, and therefore is a "debt collector" as defined by the RFDCPA, Cal Civ Code §1788.2(c). Further, Defendant regularly provides information to consumer reporting agencies and is therefore an "information furnisher" as defined by the FCRA.

## III. FACTUAL ALLEGATIONS

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant reported derogatory information on Plaintiff's credit report. Defendant alleges that Plaintiff still owes a past due balance.

5. Defendant reported on Plaintiff's FICO credit report that Plaintiff has a past due balance of \$1,507, and that Plaintiff's account is currently 120+ days past due.

6. Plaintiff's credit report shows that the account with Defendant was opened in 2011. Plaintiff never opened an account with Defendant in 2011.

7. In June, 2012, Defendant reported Plaintiff's account as past due and key derogatory items on his credit report. Plaintiff disputes this account information; Plaintiff never opened an account with Defendant.

1           8.       §1788.17 of the RFDCPA mandates that every debt collector collecting or  
2 attempting to collect a consumer debt shall comply with the provisions of Sections 1692b to  
3 1692j, inclusive, of, and shall be subject to the remedies in Section 1692k of, Title 15 of the  
4 United States Code statutory regulations contained within the FDCPA, 15 U.S.C. §1692d, and  
5 §1692d(5).  
6

7           9.       Defendant's conduct violated the RFDCPA in multiple ways, including but not  
8 limited to:  
9

- 10
- 11           a) Falsely representing the character, amount, or legal status of  
12           Plaintiff's debt (§1692e(2)(A));
  - 13           b) Communicating or threatening to communicate credit  
14           information which is known or which should be known to be  
15           false (§1692e(8));
  - 16
  - 17           c) Using false representations and deceptive practices in  
18           connection with collection of an alleged debt from Plaintiff  
19           (§1692e(10))
  - 20           d) Where Defendant had not yet made an attempt to contact Plaintiff's counsel or  
21           had not given Plaintiff's counsel sufficient time to respond to the initial  
22           attempt to communicate with Plaintiff's counsel, and where Plaintiff's counsel  
23           had not given Defendant permission to contact Plaintiff directly,  
24           communicating with Plaintiff directly after learning that Plaintiff is being  
25           represented by counsel (§ 1692c(a)(2)) .  
26  
27  
28

1           10. Further, Defendant has been providing derogatory and inaccurate statements and  
2 information relating to Plaintiff and Plaintiff's credit history to various credit reporting agencies,  
3 as that term is defined by 15 U.S.C. 1681a(f).  
4

5           11. Defendant is aware that the credit reporting agencies to which they are providing  
6 this information are going to disseminate this information to various other persons or parties who  
7 will be reviewing this information for the purpose of extending credit, insurance or employment.  
8

9           12. As a result of Defendant's inaccurate reporting of Plaintiff's accounts, Plaintiff's  
10 credit score decreased. Plaintiff was denied an auto loan due to the derogatory items placed by  
11 Defendant on Plaintiff's credit report.

12           13. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit  
13 repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's credit  
14 worthiness.  
15

16           14. The credit reports have been and continue to be disseminated to various persons  
17 and credit grantors, both known and unknown.

18           15. Plaintiff has been damaged, and continues to be damaged, in the  
19 following ways:  
20

- 21           a. Denial of credit by at least one lender;
- 22           b. Emotional distress and mental anguish associated with having incorrect  
23           derogatory personal information transmitted about Plaintiff to other people  
24           both known and unknown; and
- 25           c. Decreased credit score which may result in inability to obtain credit on future  
26           attempts.

27           16. At all times pertinent hereto, Defendant was acting by and through its agents,  
28 servants and/or employees who were acting within the course and scope of their agency or  
employment, and under the direct supervision and control of Defendant herein.

17. At all times pertinent hereto, the conduct of Defendant, as well as that of its agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly negligent disregard for federal and state laws and the rights of Plaintiffs herein.

18. Defendant violated sections 1681n and 1681o of the FCRA by engaging in the following conduct that violates 15 U.S.C. §1681s-2(b):

- a. Willfully and negligently continuing to furnish and disseminate inaccurate and derogatory credit, account and other information concerning the Plaintiff to credit reporting agencies and other entities despite knowing that said information was inaccurate; and,
- b. Willfully and negligently failing to comply with the requirements imposed on furnishers of information pursuant to 15 U.S.C. §1681s-2.

19. Defendant's conduct was a direct and proximate cause, as well as a substantial factor, in causing the injuries, damages and harm to Plaintiff that are outlined more fully above, and as a result, Defendant is liable to compensate Plaintiff for the full amount of statutory, actual and punitive damages, along with attorneys' fees and costs, as well as such other relief permitted by law.

20. Further, Defendant failed to notify Plaintiff of their intention to report negative information on their credit reports. Defendant then failed to correct the disputed information within thirty days of Plaintiff's dispute of that information.

21. As a result of the above violations of the RFDCPA and FCRA, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

**COUNT I: VIOLATION OF ROSENTHAL  
FAIR DEBT COLLECTION PRACTICES ACT**

22. Plaintiff reincorporates by reference all of the preceding paragraphs.

23. To the extent that Defendant's actions, counted above, violated the RFDCPA,  
those actions were done knowingly and willfully.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees; and
- D. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF THE FAIR CREDIT REPORTING ACT**

24. Plaintiff reincorporates by reference all of the preceding paragraphs.

25. To the extent that Defendant's actions, counted above, violated the FCRA, those  
actions were done knowingly and willfully.

**PRAYER FOR RELIEF**

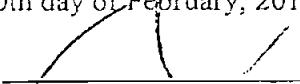
WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this 20th day of February, 2014

By:

  
Todd M. Friedman, Esq.  
Law Offices of Todd M. Friedman, P.C.  
Attorney for Plaintiff

[illegible][illegible][illegible][illegible][illegible]

Status as of	Jun, 2012
Date opened	Sep, 2011
Date of last activity	Jul, 2007
Largest past balance	\$1,471
Account Type	Open Account
Account holder	Individual
Industry	Factoring Companies

No contact information provided by Equifax

3 of 14

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

CIVDS 1402484

PAUL STEMPLE

Case No. \_\_\_\_\_

vs.

## CERTIFICATE OF ASSIGNMENT

LVNV FUNDING, LLC

A civil action or proceeding presented for filing must be accompanied by this certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the VICTORVILLE District of the Superior Court under Rule 404 of this court for the checked reason:

☐ General☐ Collection

## Nature of Action

## Ground

- |  |  |
|--|--|
| <input type="checkbox"/> 1 Adoption  | Petitioner resides within the district.  |
| <input type="checkbox"/> 2 Conservator   | Petitioner or conservatee resides within the district.                               |
| <input type="checkbox"/> 3 Contract  | Performance in the district is expressly provided for.                               |
| <input type="checkbox"/> 4 Equity  | The cause of action arose within the district.                                       |
| <input type="checkbox"/> 5 Eminent Domain  | The property is located within the district.   |
| <input type="checkbox"/> 6 Family Law  | Plaintiff, defendant, petitioner or respondent resides within the district.          |
| <input type="checkbox"/> 7 Guardianship  | Petitioner or ward resides within the district or has property within the district.  |
| <input type="checkbox"/> 8 Harassment  | Plaintiff, defendant, petitioner or respondent resides within the district.          |
| <input type="checkbox"/> 9 Mandate   | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 10 Name Change  | The petitioner resides within the district.  |
| <input type="checkbox"/> 11 Personal Injury  | The injury occurred within the district.   |
| <input type="checkbox"/> 12 Personal Property  | The property is located within the district.   |
| <input type="checkbox"/> 13 Probate  | Decedent resided or resides within the district or had property within the district. |
| <input type="checkbox"/> 14 Prohibition  | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 15 Review   | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 16 Title to Real Property   | The property is located within the district.   |
| <input type="checkbox"/> 17 Transferred Action   | The lower court is located within the district.                                      |
| <input type="checkbox"/> 18 Unlawful Detainer  | The property is located within the district.   |
| <input type="checkbox"/> 19 Domestic Violence  | The petitioner, defendant, plaintiff or respondent resides within the district.      |
| <input checked="" type="checkbox"/> 20 Other <u>RFD CPA</u>  | Plaintiff resides within the district  |
| <input type="checkbox"/> 21 THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT. |  |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designated district is:

Paul Stemple

17057 C Street

(NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR)

ADDRESS

Victorville

CA

92395

(CITY)

(STATE)

(ZIP CODE)

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on

February 20, 2014

at Beverly Hills

, California

Signature of Attorney/Party

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO CIVIL DIVISION  
303 WEST THIRD STREET  
SAN BERNARDINO, CA 92415-0210

-----  
-----  
CASE NO: CIVDS1402484

LAW OFFICES OF TODD M FRIEDMAN  
369 S. DOHENY DR. #415  
BEVERLY HILLS CA 90211

NOTICE OF TRIAL SETTING CONFERENCE  
and NOTICE OF CASE ASSIGNMENT

IN RE: STEMPLE -V- LVNV FUNDING

THIS CASE HAS BEEN ASSIGNED TO: BRYAN F FOSTER IN DEPARTMENT S37  
FOR ALL PURPOSES.

Notice is hereby given that the above-entitled case has been set for  
Trial Setting Conference at the court located at 303 West Third Street  
San Bernardino, CA.

HEARING DATE: 09/08/14 at 8:30 in Dept. S37

DATE: 03/11/14 Christina M. Volkers, Clerk of the Court  
By: LISA TAYLOR

-----  
-----  
CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San  
Bernardino at the above listed address. I am not a party to this  
action and on the date and place shown below, I served a copy of the  
above listed notice:

( ) Enclosed in a sealed envelope mailed to the interested party  
addressed above, for collection and mailing this date, following  
standard Court practices.

(X) Enclosed in a sealed envelope, first class postage prepaid in the  
U.S. mail at the location shown above, mailed to the interested party  
and addressed as shown above, or as shown on the attached listing.

( ) A copy of this notice was given to the filing party at the counter  
( ) A copy of this notice was placed in the bin located at this office  
and identified as the location for the above law firm's collection of  
file stamped documents.

Date of Mailing: 03/11/14

I declare under penalty of perjury that the foregoing is true and  
correct. Executed on 03/11/14 at San Bernardino, CA

BY: LISA TAYLOR

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  PAUL STEMPLE	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  LVNV FUNDING, LLC
<b>(b) County of Residence of First Listed Plaintiff</b> <u>San Bernardino</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> <u>South Carolina</u> (IN U.S. PLAINTIFF CASES ONLY)
<b>(c) Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information. Todd Friedman Law offices of Todd M. Friedman 369 S. Doheny Dr. #415 Beverly Hills, CA 90211, 877-206-4741	<b>Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information. B. Ben Mohandesi Yu Mohandesi LLP 633 West Fifth Street, Suite 2800 Los Angeles, CA 90071, 213-377-5505

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

<input type="checkbox"/> 1. Original Proceeding	<input checked="" type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multi-District Litigation
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**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ Not specified

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>TORTS</b></div> <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>PERSONAL INJURY</b></div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury-Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>TORTS</b></div> <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>PERSONAL PROPERTY</b></div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>BANKRUPTCY</b></div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>CIVIL RIGHTS</b></div> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Habeas Corpus:</b></div> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Other:</b></div> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>FORFEITURE/PENALTY</b></div> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>LABOR</b></div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>SOCIAL SECURITY</b></div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <div style="border: 1px solid black; padding: 2px; text-align: center;"><b>FEDERAL TAX SUITS</b></div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

**ED CV 14 - 00772****VAP****MRW**

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input checked="" type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside:	Then check the box below for the county in which the majority of PLAINTIFFS reside:	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C  
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
 SOUTHERN DIVISION.  
 Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☒ 2 or more answers in Column D  
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
 EASTERN DIVISION.  
 Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
 WESTERN DIVISION.  
 Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD IS:
Enter the initial division determined by Question A, B, or C above: →	EASTERN

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETIX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):



DATE: April 18, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))